IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WA.No. 1996 of 2007

AGAINST THE JUDGEMENT IN WP(C).NO31645/2005 Dated 22/03/2007

APPELLANT: PETITIONER IN WP(C):

THIRUVANANTHAPURAM CITY PASSENGERS' ASSOCIATION, REG.NO.T.1632, REPRESENTED BY ITS PRESIDENT, P.K. SURESHKUMAR.

BY ADV. SMT.E.V.MOLY

RESPONDENTS: RESPONDENTS IN WP(C):
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1. SMT. SHABEELA BEEVI,
   RAGAM MANZIL, PANACHAMOODU, PARASSALA,
   THIRUVANANTHAPURAM.

2. SRI.V. SREEKUMAR,
   TC.3/2783, GURUVIHAR, PATTOM PALACE P.O.,
   THIRUVANANTHAPURAM.

3. THE REGIONAL TRANSPORT AUTHORITY,
   THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

4. THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY, THIRUVANANTHAPURAM.

5. KERALA STATE ROAD TRANSPORT CORPORATION,
   THIRUVANANTHAPURAM, REP. BY ITS MANAGING DIRECTOR.

6. THE STATE TRANSPORT APPELLATE TRIBUNAL,
   ERNAKULAM.

BY ADV. SRI.K.V.GOPINATHAN NAIR
SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR
STANDING COUNSEL FOR KSRTC SRI.JOHNSON P.JOHN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1996 OF 2007

Dated this the 16th August, 2007

JUDGMENT

H.L.DATTU, C.J.

Appellant is an Association. It had called in question the order passed by the State Transport Appellate Tribunal, Ernakulam in M.V.A.A.Nos.370 and 372 of 2005, dated 24th August, 2005 by filing a Writ Petition before this Court. The learned single Judge by its judgment dated 22nd March, 2007 has rejected the Writ Petition. Aggrieved by the said judgment, the Association is before us in this Writ Appeal.

2. In our opinion, first and foremost, the learned single Judge ought not to have entertained the Writ Petition, since an association cannot maintain a Writ Petition before this Court. To come to that conclusion, we rely upon the observation made by the Apex Court in the case of **Mahinder Kumar Gupta and others** v. **Union of India** [(1995) 1 SCC 85]. In the said decision, the Apex Court has observed that:

> "An association cannot file a Writ Petition as it has no fundamental right."

3. In view of the law declared by the Apex Court, the learned single Judge ought to have rejected the Writ Petition without going into the merits or demerits of the case pleaded by the Association.

4. Even otherwise also, the findings and the conclusions reached by the learned single Judge are unassailable. Therefore, Writ Appeal requires to be rejected and accordingly it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/